

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SMARTSTREAM TECHNOLOGIES, INC., :
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Plaintiff, :
:
-v- :
:
PHILIPPE CHAMBADAL, :
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Defendant. :
:
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 9/30/2019

17-CV-2459 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On February 15, 2019, Plaintiff SmartStream Technologies, Inc. (“SmartStream”) filed a motion for summary judgment on all of its claims. (Doc. 69.) On May 16, 2019, SmartStream filed a motion to strike Docs. 78-1 and 82. (Doc. 86.) Plaintiff’s motions are GRANTED IN PART AND DENIED IN PART. Specifically, SmartStream’s motion to strike is GRANTED with respect to Document 78-1 but DENIED with respect to Document 82. SmartStream’s motion for summary judgment is GRANTED with respect to its (1) claim for breach of contract based on the making of the Mirror Image; (2) its claim for breach of contract with respect to Chambadal’s retention of electronic copies of SmartStream documents until November 9, 2017; and (3) its request for a determination that it is entitled to attorneys’ fees. SmartStream’s motion is DENIED with respect to (1) its claim for breach of contract based on Chambadal’s return of the MacBook and Blackberry on February 16, 2017; (2) its claim for breach of contract of Section 2 of the Employee Agreement, to the extent this claim has been properly raised; (3) its request for a specific award of attorneys’ fees; (4) its claim of trade secrets misappropriation under state law; (5) its claim for federal trade secrets misappropriation under the Defend Trade Secrets Act, 18 U.S.C. § 1831, *et seq.*; and (6) its request for punitive damages.

An Order & Opinion explaining my decisions will be filed under seal because it relies upon material that the parties have deemed confidential. It will also be e-mailed to the parties. Accordingly, it is hereby:

ORDERED that by October 18, 2019, the parties shall provide the Court with any proposed redactions to the Order & Opinion consistent with Rule 5(B) of my Individual Rules & Practices in Civil Cases. I will review the parties' proposed redactions and file a redacted version of the Opinion & Order on the public docket if necessary.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to terminate the motions at Documents 69 and 86.

SO ORDERED.

Dated: September 30, 2019
New York, New York


Vernon S. Broderick
Vernon S. Broderick
United States District Judge